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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,539	02/17/2004	Casey Chung	011687.00036	2451
22908	7590	10/04/2006	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			REHM, ADAM C	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/781,539

Applicant(s)

CHUNG, CASEY

Examiner

Adam C. Rehm

Art Unit

2875

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant forwards the following arguments:

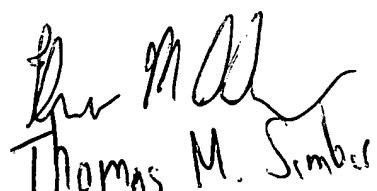
(1) ENTROP fails to show a plurality of coverage zones wherein each coverage zone has a light blocking area...wherein the areas decreasing block light along the first path. However, ENTROP does illustrate a plurality of coverage zones illustrated in marked-up Figure 1 of Office Action 12/1/2005. Notably, the terms "coverage zone" and "light block area corresponding to an amount of light blocked" have been given their broadest reasonable interpretation. The first coverage zone is the area of 72 extending from Roman Numeral II to the light ray "E" which blocks 100% of light. The second coverage zone is the area from light ray "E" to a linear point along 2 to where the bulb 5 is capable of passing rays around light blocking area 71/74. The third coverage zone is from the last point to the outer edge of reflector 1. It is noted that based on linear movement from the center to the outer edge, there is a decrease of blocked light.

(2) ENTROP fails to show a zone boundary with first and second coverage zones. Again, Applicant employs ambiguous language that fails to positively convey a structure. A coverage zone and zone boundary can both be claimed via imaginary points and lines of ENTROP in that while traveling linearly across 2, there are several points where the intensity of light allowed to pass increasingly changes. These are zone boundaries commensurate with the scope of Applicant's claims.

(3) ENTROP fails to disclose a light shield as claimed. Notably, Claim 29 is the broadest and the reasons for rejection thereof are fully contained in the previous points. Notably, there appears to be an antecedent issue with the light blocking area. In any case, not only is the structure 72 considered to be a light shield, but also structure 6. ENTROP employs a 100% light blocking zone along 72 and a plurality of varying zones along 6.

(4) Regarding the combination of ENTROP and CASTEEL, CASTEEL is employed to illustrate the desire to increasingly make illumination devices smaller, more compact, etc. It is not patentable to arbitrarily claim a size. Otherwise, any patent could be overcome by merely claiming a smaller size, e.g. not more than 1 inch. The issue is underscored by CASTEEL, which claims 1.7 inches as opposed to Applicant's 1.5 inches. Such a minute difference is not grounds for patentability and generally recognized as involving only routine skill in the art.

To expedite prosecution, all instances of "decreasing" should be changed to the adverb "decreasingly" in at least Claim 1. The term "then" should be "than" in Claim 23. The antecedent issue of Claim 20, "the light blocking area", requires amendment.


Thomas M. Simber
Primary Examiner